

**ASSEMBLY BILL**

**No. 683**

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**Introduced by Assembly Member Chesbro**

February 26, 2009

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An act to amend Section 52055.57 of the Education Code, relating to local educational agencies, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 683, as introduced, Chesbro. Local educational agencies: program improvement.

Existing law, implementing federal requirements under the federal No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.), provides that a local educational agency identified for corrective action shall be subject to specified sanctions and may apply for a one-year, nonrenewable grant of federal improvement funding to assist in its improvement process. Existing law provides that the amount of the grant shall be based upon whether the agency has extensive and severe, moderate, or minor or isolated performance problems, and the number of schools in the local educational agency identified for program improvement pursuant to federal law.

This bill would specify that the amount of a grant for a local educational agency that is identified for corrective action and subject to sanctions, that does not have a school identified for program improvement pursuant to federal law, shall be based on the median grant award for local educational agencies in the minor technical assistance category for that year.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote:  $\frac{2}{3}$ . Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 52055.57 of the Education Code is  
2     amended to read:  
3     52055.57. (a) (1) Provisions that are applicable to local  
4     educational agencies under this section are for the purpose of  
5     implementing federal requirements under the federal No Child  
6     Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.). The  
7     satisfaction of these criteria by local educational agencies that  
8     choose to participate under this article shall be a condition of  
9     receiving funds pursuant to this section.  
10    (2) The department shall identify local educational agencies  
11    that are in danger of being identified within two years as program  
12    improvement local educational agencies under the federal No Child  
13    Left Behind Act of 2001, and shall notify those local educational  
14    agencies, in writing, of this status and provide those local  
15    educational agencies with research-based criteria to conduct a  
16    voluntary self-assessment.  
17    (3) The self-assessment shall identify deficiencies within the  
18    operations of the local educational agency, and the programs and  
19    services of the local educational agency.  
20    (4) A local educational agency identified pursuant to paragraph  
21    (2) is encouraged to revise its local educational agency plan based  
22    on the results of the self-assessment.  
23    (5) The program described in this subdivision shall be referred  
24    to as the “Early Warning Program.”  
25    (b) (1) A local educational agency identified as a program  
26    improvement local educational agency under the federal No Child  
27    Left Behind Act of 2001 shall do all of the following:  
28    (A) Conduct a self-assessment using materials and criteria based  
29    on current research and provided by the department.  
30    (B) No later than 90 days after a local educational agency is  
31    identified for program improvement, contract with a county office  
32    of education or another external entity, after working with the  
33    county superintendent of schools, for both of the following  
34    purposes:

1 (i) Verifying the fundamental teaching and learning needs in  
2 the schools of that local educational agency, as determined by the  
3 local educational agency self-analysis, and identifying the specific  
4 academic problems of low-achieving pupils, including a  
5 determination of why the prior plan of the local educational agency  
6 failed to bring about increased pupil academic achievement.

7 (ii) Ensuring that the local educational agency receives intensive  
8 support and expertise to implement local educational agency reform  
9 initiatives in the revised local educational agency plan as required  
10 by the federal No Child Left Behind Act of 2001.

11 (C) Revise and expeditiously implement the local educational  
12 agency plan to reflect the findings of the verified self-assessment.

13 (D) After working with the county superintendent of schools  
14 or an external verifier, contract with an external provider to provide  
15 support and implement recommendations to assist the local  
16 educational agency in resolving shortcomings identified in the  
17 verified self-assessment.

18 (2) (A) Subject to the availability of funds in the annual Budget  
19 Act for this purpose, a local educational agency described in  
20 paragraph (1) annually may receive fifty thousand dollars  
21 (\$50,000), plus ten thousand dollars (\$10,000) for each school that  
22 is supported by federal funds pursuant to Title I of the federal No  
23 Child Left Behind Act of 2001 within the local educational agency,  
24 for the purpose of fulfilling the requirements of this subdivision.  
25 If funding is not provided in the annual Budget Act or other statute,  
26 local educational agencies shall not be subject to the requirements  
27 of subparagraphs (B) and (D) of paragraph (1).

28 (B) Subject to the availability of funds appropriated in the annual  
29 Budget Act for this purpose, a local educational agency identified  
30 as a program improvement local educational agency during the  
31 2005–06 fiscal year, shall receive priority for funding based upon  
32 the performance of the socioeconomically disadvantaged subgroup  
33 of the local educational agency on the Academic Performance  
34 Index. Priority for funding shall be provided to the lowest  
35 performing local educational agencies that are identified as program  
36 improvement local educational agencies. It is the intent of the  
37 Legislature that funds apportioned pursuant to this paragraph be  
38 used to support activities identified in paragraph (1).

39 (C) It is the intent of the Legislature that a local educational  
40 agency identified as a program improvement local educational

1 agency receive no more than two years of funding pursuant to this  
2 paragraph.

3 (c) A local educational agency that has been identified for  
4 corrective action under the federal No Child Left Behind Act of  
5 2001 shall be subject to one or more of the following sanctions as  
6 recommended by the Superintendent and approved by the state  
7 board:

8 (1) Replacing local educational agency personnel who are  
9 relevant to the failure to make adequate yearly progress.

10 (2) Removing schools from the jurisdiction of the local  
11 educational agency and establishing alternative arrangements for  
12 the governance and supervision of those schools.

13 (3) Appointing, by the state board, a receiver or trustee, to  
14 administer the affairs of the local educational agency in place of  
15 the county superintendent of schools and the governing board.

16 (4) Abolishing or restructuring the local educational agency.

17 (5) Authorizing pupils to transfer from a school operated by the  
18 local educational agency to a higher performing school operated  
19 by another local educational agency, and providing those pupils  
20 with transportation to those schools, in conjunction with carrying  
21 out not less than one additional action described under this  
22 paragraph.

23 (6) Instituting and fully implementing a new curriculum that is  
24 based on state academic content and achievement standards,  
25 including providing appropriate professional development based  
26 on scientifically based research for all relevant staff, that offers  
27 substantial promise of improving educational achievement for  
28 high-priority pupils.

29 (7) Deferring programmatic funds or reducing administrative  
30 funds.

31 (d) (1) The department shall develop, and the state board shall  
32 approve at a public meeting, objective criteria by which a local  
33 educational agency identified for corrective action and subject to  
34 a sanction listed under subdivision (c) shall be evaluated to  
35 determine the pervasiveness and severity of its performance  
36 problems and the sanction to be imposed.

37 (2) A local educational agency identified for corrective action  
38 and subject to a sanction listed under subdivision (c) may apply  
39 for a one-year, nonrenewable grant of federal improvement funding  
40 to assist in its improvement process and may expend that grant

1 funding over the time period allowable under federal law. It is the  
2 intent of the Legislature to integrate federal funding that is available  
3 for this purpose, including, but not limited to, funding for program  
4 improvement and school improvement grants pursuant to Section  
5 6303 of Title 20 of the United States Code.

6 (3) (A) (i) The amount of a grant for a local educational agency  
7 with extensive and severe performance problems shall be one  
8 hundred fifty thousand dollars (\$150,000) per school identified  
9 for program improvement pursuant to federal law. ~~The~~

10 (ii) ~~The~~ amount of a grant for a local educational agency with  
11 moderate performance problems shall be one hundred thousand  
12 dollars (\$100,000) per school identified for program improvement  
13 pursuant to federal law. ~~The~~

14 (iii) ~~The~~ amount of a grant for a local educational agency with  
15 minor or isolated performance problems shall be fifty thousand  
16 dollars (\$50,000) per school identified for program improvement  
17 pursuant to federal law.

18 (B) *The amount of a grant for a local educational agency that*  
19 *is identified for corrective action, and subject to sanctions pursuant*  
20 *to subdivision (c), that does not have a school identified for*  
21 *program improvement pursuant to federal law shall be based on*  
22 *the median grant award for local educational agencies in the minor*  
23 *technical assistance category, as set forth in clause (iii) of*  
24 *subparagraph (A), for that year.*

25 (4) A local educational agency that receives funding under this  
26 subdivision shall use the funds in accordance with Section 6316(b)  
27 and (c) of Title 20 of the United States Code. Pursuant to the  
28 technical assistance requirements under the federal No Child Left  
29 Behind Act of 2001 outlined in Section 6312(b) and (c) and Section  
30 6317 of Title 20 of the United States Code, the Superintendent  
31 may recommend, and the state board may approve, that a local  
32 educational agency contract with a district assistance and  
33 intervention team or other technical assistance provider to receive  
34 guidance, support, and technical assistance. A district intervention  
35 and assistance team or other technical provider with which a local  
36 educational agency is required to contract shall perform the duties  
37 specified in subdivision (e) of Section 52059.

38 (5) Notwithstanding any other law, a local educational agency  
39 that receives funding under this subdivision or that receives other  
40 federal funds for school improvement shall not use those funds to

1 compensate a receiver or trustee assigned by the state board  
2 pursuant to paragraph (3) of subdivision (c).

3 (e) A local educational agency that has received a sanction under  
4 subdivision (c) and has not exited program improvement under  
5 the federal No Child Left Behind Act of 2001 shall appear before  
6 the state board within three years to review the progress of the  
7 local educational agency. Upon hearing testimony and reviewing  
8 written data from the local educational agency, the district  
9 assistance and intervention team, or county superintendent of  
10 schools, the Superintendent shall recommend, and the state board  
11 may approve, an alternative sanction under subdivision (c), or may  
12 take any appropriate action.

13 (f) Subject to the availability of funds in the annual Budget Act  
14 for this purpose, a local educational agency that is not identified  
15 as a program improvement local educational agency under the  
16 federal No Child Left Behind Act of 2001 may annually receive  
17 up to fifteen thousand dollars (\$15,000) per school identified as a  
18 program improvement school for the purposes of supporting  
19 schools identified as program improvement schools in the local  
20 educational agency and determining barriers to improved pupil  
21 academic achievement. That local educational agency shall receive  
22 no less than forty thousand dollars (\$40,000) and no more than  
23 one million five hundred thousand dollars (\$1,500,000) for those  
24 purposes. The Superintendent shall compile a list that ranks each  
25 local educational agency based on the number of, and percentage  
26 of, schools identified as program improvement schools and shall  
27 provide this funding to local educational agencies equally from  
28 each list until all funds appropriated for this purpose are depleted.  
29 These funds shall be provided for no more than three years.

30 (g) For purposes of this article, “local educational agency”  
31 means a school district, county office of education, or charter  
32 school that elects to receive its funding directly pursuant to Section  
33 47651, and that provides public educational services to pupils in  
34 kindergarten or any of grades 1 to 12, inclusive.

35 SEC. 2. This act is an urgency statute necessary for the  
36 immediate preservation of the public peace, health, or safety within  
37 the meaning of Article IV of the Constitution and shall go into  
38 immediate effect. The facts constituting the necessity are:

39 In order to ensure that local educational agencies that are  
40 identified for corrective action and subject to sanctions, that do

1 not have a school identified for program improvement pursuant  
2 to federal law, receive appropriate grant funding to assist in their  
3 improvement processes, it is necessary that this act take effect  
4 immediately.

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